

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>BRIAN BONNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 3:06-cv-00715-MHT</b>
	)	
<b>NORINCO a/k/a</b>	)	
<b>CHINA NORTH INDUSTRIES CORP.</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT CHINA NORTH INDUSTRIES CORPORATION’S  
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, defendant China North Industries Corporation (“Norinco”) moves for summary judgment as to each of Plaintiff’s claims against it on the grounds that there is no genuine issue of material fact and Norinco is entitled to judgment as a matter of law. In support of this motion, Norinco relies on the following:

1. The pleadings in this case.
2. The deposition of Plaintiff Brian Bonner, submitted as Exhibit A.
3. The deposition of Owena Kay Knowles, submitted as Exhibit B.
4. The deposition of James Tyler Knowles, submitted as Exhibit C.
5. The deposition of Tyler Knowles, submitted as Exhibit D.
6. The deposition of Chris Dennis, submitted as Exhibit E.
7. The deposition of Bobbie Dennis, submitted as Exhibit F.
8. The Report of John T. Butters, submitted as Exhibit G.
9. A brief in support of this motion, filed contemporaneously herewith.

As the foregoing items affirmatively and without dispute demonstrate, Norinco is entitled to summary judgment as a matter of law.

Respectfully submitted,

s/ James C. Barton, Jr.

James C. Barton, Jr. (BAR014)

Bar Number: ASB-0237-B51J

Email: jbartonjr@johnstonbarton.com

s/ Alan D. Mathis

Alan D. Mathis (MAT052)

Bar Number: ASB-8922-A59M

Email: adm@johnstonbarton.com

Attorneys for defendant

China North Industries Corporation

**JOHNSTON BARTON PROCTOR & ROSE LLP**

Colonial Brookwood Center

569 Brookwood Village, Suite 901

Birmingham, Alabama 35209

(205) 458-9400

(205) 458-9500 (FAX)

**OF COUNSEL**

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the above and foregoing with the Clerk of the Court on February 14, 2008, using the CM/ECF system, which will send notification of such filing to the following:

David J. Hodge, Esq.  
PITTMAN, DUTTON, KIRBY & HELLUMS, P.C.  
2001 Park Place North  
1100 Park Place Tower  
Birmingham, Alabama 35203

Nick Wooten, Esq.  
WOOTEN & CARLTON, P.C.  
P.O. Drawer 290  
Lafayette, Alabama 36862

Todd M. Higey, Esq.  
RICHARDSONCLEMENT, P.C.  
200 Cahaba Park Circle  
Suite 125  
Birmingham, Alabama 35242

s/ Alan D. Mathis  
Of Counsel

W0632599.DOC